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development

Donor activities in strengthening access to justice in the Sahel

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Question

What are the main donor activities aiming to strengthen access to justice or improve service delivery in the Sahel and what is the evidence on impact of these activities?

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1. Summary

This study seeks to provide a description of the access to justice initiatives that are being implemented in Burkina Faso, Chad, Mali and Niger. The research for this report has examined key multilateral donor websites and bilateral donor websites for information on justice programming in the four countries. Programmes that explicitly mention justice, especially access to justice, were the focus of this review; other broader rule of law or countering violent extremism programmes for the four target countries were mostly omitted. The review has focused on programmes currently being implemented or that have completed in the last year or so. An in-depth, comprehensive and systematic survey of programmes was beyond the scope of this study. Therefore, this review is not exhaustive, and is only able to present information that is publicly available. Furthermore, it was outside the scope of this report to review literature in the French language.

Effectiveness of programmes can only be identified through an evidence-based approach. However, evaluation was found to be one of the weakest aspects of the programmes reviewed, as few evaluations or detailed information on impacts have been made (easily) publicly available. The majority of the projects covered by this study are still active, and thus the review can only offer a snapshot of their current state. It is not within the scope of the report to analyse project results. Rather, the review offers descriptions of the design, implementation and evaluation of interventions (where information is available), and provides some qualitative information on intervention design to identify the types of justice being focused on. Gender and marginalisation elements of interventions was also a focus of the literature searches.

Although many of the donor websites mention justice in relation to these countries and their bilateral country development cooperation strategies (e.g. Sweden's cooperation strategy for Burkina Faso 2018-2022¹, where Sweden highlights the activity of strengthening respect for the rule of law and access to justice as a priority under their Human rights, democracy, the rule of law and gender equality objective), further detailed information on actual programming or support was not always available.

Due to these limitations this review is only able to provide a general overview of programmes and incomplete information on the effectiveness of interventions.

Key donors explored were: Denmark, France, EU, Germany, Japan, Canada, the Netherlands, Norway, Sweden, Switzerland and US. Development/implementing agencies of these governments (e.g. GIZ, International Development Research Centre Canada (IDRC)) were also searched. A number of these donors actively support national and international nongovernmental organisations (NGOs) and (women and youth) civil society organisations (CSOs) that have a presence in the target countries (for example Denmark in Burkina Faso and Niger). However, information on whether these organisations are working on justice related issues and programmes was beyond the scope of this review. Other donor and implementing organisations

¹ See <https://www.government.se/4a642d/contentassets/6148d15d4363479e98e02475100ea161/within-the-framework-of-this-strategy-swedish-development-cooperation-with-burkina-faso-is-to-contribute-to-greater-respect-for-human-rights-institutional-capacity-growth-increased-resilience-to-crises-and-disasters-environmentally-and-climate-res.pdf>

explored include: UNDP², World Bank, The Hague Institute for Innovation of Law (HiIL), International Development Law Organization (IDLO), Institute for Security Studies (ISS), Oxfam, Stockholm International Peace Research Institute (SIPRI) and US Institute of Peace (USIP).

Key findings:

- 14 programmes were identified in this review (the IDLO programme in Mali was the pilot project for a larger multi-country programme which has just started in Mali, Niger and Burkina Faso, and so is only counted here as one programme although it is referred to in 2 different sections). Of the identified programmes, the majority are taking place in Mali (9 out of 14), with Burkina Faso (5 out of 14) and Niger (5 out of 14) also having a range of programmes. Only one active programme was identified in Chad (implemented by UNDP and aimed at building the rule of law and strengthening access to justice, however, information and documentation is only available in French).
- UNDP is the only donor reviewed that has current projects on access to justice in all four countries. Drawing insights from these projects beyond a brief description was not possible as information and documentation was only available in French.
- Much of the programming in Mali is aimed at its northern regions, where the 2012-2013 political-military crisis was focused. These tend to be aimed at peace and stabilisation.
- Generalising, projects tend to fall into two broad categories: those aimed at capacity building and strengthening of justice infrastructure (such as national institutions, and national judicial actors); and those aimed at strengthening dialogue and the quality of justice services at the local level.
- In general, informal or customary justice was not emphasised in the programme descriptions or information found, and does not appear to have been the object of a great deal of justice programming in the four countries. However, due to the nature of the review and the limits to the information found this cannot be firmly concluded.
- Projects that specifically include or recognise informal or traditional forms of justice in programming were: IDLO's Integrated support to criminal justice systems in the Sahel – Mali, Burkina Faso, Niger (and also its pilot project Strengthening the Criminal Justice Chain in the North of Mali), IDRC's Sexual abuse and access to justice for rural women in West Africa (Burkina Faso and Mali) and USAID's Mali Justice Project. DEME SO's (a local legal aid organisation) Adequate Access of the Poor to Rights and Justice in Mali project, funded by Sweden, also recognises community leaders.
- Women and marginalised groups (such as youth) are often targets for many of the programmes. Women were recognised in many projects relating to peacebuilding and also to CSO groups. Sexual- and gender-based violence was also highlighted in some of the programmes aimed at access to justice.

² All the UNDP projects for the region had information solely in French. The project titles have been included, with links and some brief information translated using Google Translate to give an idea of content. In-depth documentation in English could not be found.

2. Justice programming in Burkina Faso

UNDP

Promotion de l'accès à la justice au Burkina Faso

The project aims to provide assistance in accessing justice for the poor, including women. Running from October 2017 to December 2020. Funded by UNDP and Swiss Agency for Development and Cooperation (SDC). The project aims to provide assistance to the Burkinabe Government to bring justice closer to the litigant. All further information and related documentation are in French. See <https://open.undp.org/projects/00105799> for information.

3. Justice programming in Chad

UNDP

Projet Transitoire d'Appui à l'Etat de Droit, à la Gouve

The project aims to contribute to building the rule of law and strengthening access to justice for the Chadian population. Running from May 2017 to December 2021, it is funded by UNDP with support from the Government of Japan. All further information and related documentation are in French. See <https://open.undp.org/projects/00105936> for further information.

4. Justice programming in Mali

Germany

Project to support stabilisation and peace in Mali³

The objective of this project is for Mali's institutions to have received support to implement an inclusive stabilisation and peace process, and the population is increasingly benefiting from a peace dividend, which boosts confidence in the peace process and in the government. The project is running from 2016 to 2021. The current project cooperates with the Ministry of National Reconciliation, the Truth, Justice and Reconciliation Commission, the Office of the High Representative of the President of the Republic of Mali for the Implementation of the Algiers Peace Agreement, the Mali representation of the Economic Community of West African States (ECOWAS), decentralised state services, local authorities, NGOs, foundations and experts. The partnerships are one of the cornerstones of the project and promote strategic (peace) alliances.

Other approaches in the project include:

- **Stabilisation of the northern regions and promotion of peaceful cohabitation:** Through participatory citizens' dialogue, micro projects to promote socioeconomic perspectives have been identified at local level and implemented together with the target

³ Information taken from <https://www.giz.de/en/worldwide/29088.html> [accessed 16/03/2020]

groups. The focus is on encouraging business ideas that will provide the population, particularly women and young people, with an income even in the longer term.

- The project also supports the executing agency and its decentralised structures with constructive conflict transformation. This is done by, among other things, mainstreaming mechanisms that have already been developed such as dialogue formats with mediation components and violence-prevention methods.
- **Support for coming to terms with the past and reconciliation measures:** The project supports the Truth, Justice and Reconciliation Commission of Mali in implementing its mandate by providing strategic, process and technical advice. Priority areas include framing a reparations policy for victims of human rights violations, holding public hearings and developing initiatives and strategies for archiving remembrance work. The Truth Commission will formulate recommendations and implementation proposals for the Mali Government regarding these topics. The project supports the process of archiving important documents from the peace process.
- Coordination with multinational and bilateral stakeholders is a component of the project. These include the UN peacekeeping force (MINUSMA), UNDP, the European Union, France and Switzerland, USAID and NGOs and institutions.

Results

- 200,000 people in the northern regions of Gao and Ménaka have benefited from a total of 39 peacebuilding stabilisation measures (micro projects) and the associated positive impact on the living conditions.
- 42 dialogue forums have been held throughout the country, on local conflict issues, peaceful use of resources, the contents of the peace agreement and deradicalisation of local youth.
- The six regional offices of the Truth, Justice and Reconciliation Commission have received technical and material support from the project. So far, more than 14,563 statements made by victims and witnesses regarding human rights violations have been documented.
- The project has continuously supported the development of a comprehensive reparation and compensation policy for victims of human rights violations through regional consultation processes and professional expertise. This lays the foundations for long-term compensation and reconciliation in Mali.

Netherlands

HiiL: Justice Needs and Satisfaction in Mali – second wave⁴

In 2014 the Hague Institute for Innovation of Law (HiiL) conducted the first **Justice Needs and Satisfaction Survey** (JNS) in Mali to enhance the understanding of the justice needs of ordinary citizens and their paths to justice, establishing a baseline. This revealed that one in three Malians had experienced a justice problem in the past four years. The results showed that people suffer in particular from disputes concerning land, crimes and employment. For women, family problems are the most frequent issue. Only three out of four Malians take action to resolve their

⁴ See <https://www.hiil.org/projects/second-justice-needs-and-satisfaction-in-mali/> [accessed 17/03/2020]

problems, and mainly seek resolution within their families or the community (HiiL, 2019). The Ministry of Justice of Mali took measures to improve Malians' access to justice. In 2018 HiiL evaluated the system again partnering with local legal aid organisation Deme-So, the Ministry of Justice of Mali and the Polling Organisation GISSE to help the Ministry track their progress, together with some innovative indicators to track progress on anti-corruption measures and Sustainable Development Goal Target 16.3⁵ (HiiL, 2019). An additional element to the project is to focus on the transfer of knowledge and capacity building among the judiciary. This way, the country can easily measure its progress on access to justice in the future. This research was funded by the Embassy of the Kingdom of the Netherlands in Bamako and the Ministry of Justice of Mali.

IDLO: Strengthening the Criminal Justice Chain in the North of Mali (SCJC)⁶

This was a pilot project, which has now been developed into a larger project in Mali, Burkina Faso and Niger – see section below on justice programming in multiple countries under the Netherlands.

IDLO, with support from the Government of the Netherlands, is implementing a multi-year programme to strengthen locally-identified gaps in the justice system in the Northern regions of Mali, specifically Mopti, Gao, Timbuktu and Ségou. The programme, launched at the end of 2016 for a duration of 5 years, has piloted an innovative model, the Problem-Driven Iterative Adaptation (PDIA), which is based on promoting local solutions to local problems. This adaptive, iterative and flexible approach was uniquely designed to comprise “*cadres de concertation*” or Consultation and Coordination Groups (CCGs) - a group composed of a broad range of criminal justice actors, traditional authorities and civil society representatives - which seek to enable Malian stakeholders at the local, regional and national level to take ownership over the programme's implementation and lead the institutional reform activities. The programme will produce best practices with a view to encouraging the Malian Ministry of Justice to replicate methods on a national level (IDLO, 2016).

The project is structured around three pillars/components (IDLO, 2019):

- Pillar one aims to develop a multi-layered institutional framework to improve coordination of actors within the criminal justice chain, through the so-called *cadres de concertation*.

At the operational level, the project is sustained by two additional pillars:

- Pillar 2 focusing on capacity building (training, workshops) and improvement of material conditions for criminal justice chain/non-state actors; and
- Pillar 3 on awareness raising activities to increase accessibility of criminal justice institutions by the Malian population.

Through the *cadres de concertation*, Malian justice actors convene once a month to discuss justice priorities, as well as strategies and activities needed to resolve problems. The

⁵ Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁶ Information from <https://www.idlo.int/news/highlights/justice-ground-strengthening-malis-justice-chain> [accessed 19/03/2020]

interventions are guided exclusively by local input, and the participants – ranging from police officers, court administration, civil society members and correction officers – are tailored to the region's needs. The consultations also consider journalists and civil society members equal parts of the justice chain. For example, in Ségou, participants noted that the media can effectively promote access to justice by communicating about the proper use of legal mechanisms. Through media dissemination, remote and out-of-reach populations can access the right information and be empowered to bring their cases to court. While the issues brought forth in the consultations vary a great deal, the interventions are effective because they are determined by local sensibilities. The bottom-up consultations support capacity building for institutions, but issues surrounding marginalised groups, like protecting children's rights and addressing sexual- and gender-based violence have also been raised based on feedback from the participating justice actors.

To deliver justice outcomes that are more coherent there needs to be strong collaboration between the informal and formal actors. One of the most prominent criteria for the *cadres de concertation* is engagement with the community leaders who are already embedded in justice decisions – so much so, that a decision made within the formal sector won't be executed without the engagement of traditional leaders. A major objective of the programme is increased exchange with and collaboration between different groups that wouldn't necessarily overlap. The consultation groups between regions also exchange experiences and best practices so that lessons learned are taken into account and no knowledge is lost. With this success has come the possibility to expand consultations to the South (IDLO, 2018).

A mid-term evaluation was undertaken in 2019 (IDLO, 2019). The evaluation was conducted by independent evaluation experts, supervised by IDLO's Evaluation Unit. In an evaluation brief of the mid-term review (IDLO, 2019: p. 1), they highlight that "The design took into consideration the results of baseline studies on the criminal justice chain carried out at the initial stage of implementation through extensive consultations with beneficiary institutions. Project objectives are well-aligned with the Mali Government's justice sector strategies and consistent with the strategies of the Dutch Government and IDLO. However, the evaluation found that gender mainstreaming was not sufficiently integrated into the project design."

In terms of effectiveness, the review found that (IDLO, 2019: p. 3):

- The implementation of pillars 1 and 2 was consistent with the project's bottom-up approach and achieved fairly positive results at a relatively low financial cost.
- Support to CCGs (pillar 1) was effective in improving coordination between criminal justice chain actors and, to some extent, fostering synergies with civil society, local and traditional authorities.
- Material conditions (pillar 2) also improved but a lack of essential equipment (law books, codes, archiving systems, hygiene kits for female detainees) remains a considerable challenge in the regions. This shortage may justify targeted capital investments aimed at maximising and multiplying the effects of improved capacity stemming from the training provided.
- The awareness-raising and legal empowerment activities implemented through collaboration with CSOs (pillar 3) was managed centrally. While this approach may have been inevitable in order to run calls for proposals, it prevented CCGs from playing a significant role in the coordination of CSO-led grassroots-level projects with regional initiatives.

- Overall, the partnerships with CSOs produced mixed results. While in some cases the technical and financial management capacity of some CSOs improved, the average performance of the sub-contracted CSOs was rather poor.

The review also sees: “CCGs can become a model initiative for improving the quality of state justice, facilitating the coordination of parallel legal systems, and contributing to state building processes in a decentralized form. While CCGs can adapt to play a role in various initiatives (e.g. identification of learning needs and training), in the long run, their role should not overlap with existing processes and structures of the beneficiary country” (IDLO, 2019: p.3).

Issues around gender were highlighted. IDLO’s 2017-2020 Strategic Plan and Gender Strategy require that greater attention is paid to gender equality within project design and implementation. This was not always the case and the Gender Integration Plan, prepared in April 2018, is expected to improve the gender-responsiveness of the project during the second half.

Sweden

Adequate Access of the Poor to Rights and Justice in Mali⁷

DEME SO (a local legal aid organisation) is carrying out its “Contribution to the Adequate Access of the Poor to Rights and Justice in Mali (CAADJ)” programme during the period 2019-2023, supported by funding from Sweden. The intervention aims at contributing to improve the credibility of the judiciary system and public trust in justice by 2023 in Mali by:

- 1) getting judiciary institutions closer to citizens and disseminating their procedures;
- 2) assisting citizens in justice courts;
- 3) making justice services financially accessible to all;
- 4) promoting prisoners’ rights;
- 5) developing proximity mechanisms to be integrated into administrative and judiciary services.

DEME SO will work with its paralegals, legal aid clinic and offices to deliver this programme in collaboration with state authorities and community leaders. The total budget of this programme for five years is 110 million SEK, with the Embassy of Netherlands already signing an agreement with DEME SO to fund the programme for 80 million SEK. The Swedish International Development Cooperation Agency (Sida) is contributing 31.25 million SEK to the project for the period 2019-2021.

UNDP

Lutte contre les facteurs de conflit-Etat de Droit

The project aims to contribute to peace and reconciliation in Mali and combat the factors of conflict by promoting a system of governance based on strengthening the rule of law through better access to justice. It is running from January 2016 to December 2021. Funded comes from UNDP, Sweden Folke Bernadotte Academy, United Nations, Mptfo-Un Action Agst Sexual

⁷ Information taken from <https://openaid.se/activity/SE-0-SE-6-12595A0101-MLI-15160/> [accessed 19/03/2020]

Violence In Conflict (Unao), Swedish International Development Cooperation (Sida), Germany, Netherlands. All further information and related documentation are in French. See <https://open.undp.org/projects/00099086>.

Restaurat° Autorité Etat et accès à la Justice Nord Mali

The aim of this project is to encourage the resumption of essential state functions through support for the redeployment of the services of the decentralised administration as well as magistrates and security forces in the regions in northern Mali. Running from January 2014 to March 2020, it is funded by UNDP and the governments of Netherlands, Norway, Switzerland. The project aims to support the government's efforts in the redeployment of the administration in the northern regions of Mali (Mopti, Tombouctou, Gao, Ménaka, Taoudenit, Kidal). All further information and related documentation are in French. See <https://open.undp.org/projects/00078266> for further information.

US

USAID/Mali Justice Project

The Mali Justice Project (MJP), implemented by Checchi and Company Consulting, Inc., works with the formal and informal justice sectors and civil society to advance institutional reforms, increase access to justice, and reduce corruption, ultimately to enhance delivery of justice services in Mali. This will improve the operational capacities of key justice sector institutions, the National Direction of Justice Administration and the courts, and increase availability of information on legal services, citizen rights, and justice-related reforms so that citizens better understand their rights under the Malian legal system. The project will also provide targeted legal and advocacy services along key trade routes to reduce the level of corruption and negative economic and social impact on Malians (USAID, 2019b). This programme is running from 2016-2020, with a budget of USD 22 million and targets the areas of Kayes, Koulikoro, Sikasso, Segou, Mopti, Gao, Timbuktu and Bamako in Mali (USAID, 2019a).

Three components drive the programme forward (USAID, 2019a):

- Activities under Component 1 analyse and improve the court administration practices, judicial training centre initiatives, and enhanced public outreach activities.
- Activities under Component 2 support the deployment of paralegals throughout the country to ensure greater access to justice, especially in underserved communities.
- Activities under Component 3 establish a corruption-free trade corridors forum, provide legal support to citizens impacted by corruption, and develop a citizen reporting system.

This programme is aligned with the Ministry of Justice's Programme d'Urgence pour le Renforcement du Système Judiciaire (USAID, 2019a).

The key achievements highlighted in a 2019 brief on the programme (USAID, 2019a) revolve around infrastructure and high-level capacity building of government officials and formal level justice to deliver better access to justice. No informal justice level results are publicised. The key achievements include:

- More than 300 paralegals trained and deployed in ten regions of Mali.

- Creation of the regional platform for fight against corruption in Sikasso for the free circulation of persons and goods.
- Launch of a media campaign on the fight against corruption in Mali.
- Development and implementation of capacity building programmes for the Ministry of Justice.
- Development of the human resources management system for the entire justice sector of the government.
- Rehabilitation of main jurisdiction buildings of Bamako and Kayes.
- The ongoing review of the “Code de Procedure Penal”.

The Mali Justice Project is part of USAID’s Democracy, Human Rights and Governance programme in Mali⁸, which also includes the Civic Engagement Program (CEP), Sub-National Governance Project (SNGP), Countering Violent Extremism Program, Strengthening Transparency and Fighting Corruption, and Peacebuilding Stabilization and Reconciliation Project (PS&R). USAID’s approach involves developing partnerships with a range of actors—locally elected authorities, civil society, and the private sector—to find solutions to development issues. For example supporting CSOs (with a focus on women and youth) in management, advocacy, and civic education so they can contribute to and monitor the work of elected leaders and commune council members.

5. Justice programming in Niger

European Union (EU)

The 11th European Development Fund (EDF) National Indicative Programme (NIP) allocated €686 million to Niger for the 2014-2020 funding period. The focal sectors included: **security, governance and peace consolidation** – to support the reform of the justice system, contribute to the organisation of elections, support the internal security services, and develop the capacity of decentralised authorities. See https://ec.europa.eu/international-partnerships/where-we-work/niger_en

In a difficult security context in Niger, it is essential to help the judicial system function effectively. The EU support and train specialised magistrates in the country, within the framework of the Sahel Alliance, with support to the AJUSEN programme (see France below for more programme details).

France (& EU)

Support for justice and security in Niger (AJUSEN)⁹

The project AJUSEN, which has the Sahel Alliance label, aims to strengthen the governance and capacities of judicial actors, in a country marked by a context of insecurity. The programme is running from March 2017 to June 2021. It aims to contribute to eradicating poverty, promoting

⁸ See <https://www.usaid.gov/mali/democracy-human-rights-and-governance> [accessed 19/03/2020]

⁹ Information taken from <https://www.afd.fr/en/carte-des-projets/support-justice-and-security-niger?origin=/en/carte-des-projets> [accessed 16/03/2020]

sustainable and inclusive growth and strengthening democratic and economic governance. The justice component of the project is about strengthening:

- The central services of the Ministry of Justice and in particular the penal chain, in order to provide an appropriate response to the fight against cross-border crime, human trafficking and illicit migrant smuggling;
- The National Agency to Combat Trafficking in Persons and Illegal Trafficking in Migrants in its mission to combat trafficking and assist victims of trafficking;
- The Bureau of International Cooperation on Criminal Matters in its fight against cross-border crime.

The programme's intended impacts include:

- Strengthen social cohesion and contribute to peace-building, with a focus on women and children;
- Promote and support policies and awareness-raising campaigns on gender equality and to combat violence against women;
- Strengthen the rule of law and improve the confidence and credibility of institutions guaranteeing democracy.

This project is being carried out with the support of the European Union Emergency Trust Fund for Africa. EU funds to AJUSEN programme in the justice, security and border management sectors contribute €90 million to continue this work.¹⁰

UNDP

Gouvernance judiciaire

The purpose of the project is to contribute to improving access to justice and respect for human rights, especially for the most vulnerable in Niger. Running from January 2020 to December 2021, it is fully funded by UNDP and is being implemented by Droits de l'Homme. All further information and related documentation are in French. See <https://open.undp.org/projects/00125595> for further information.

¹⁰ See https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger/contrat-relatif-la-reconstruction-de-letat-au-niger-en-complement-du_en - information in French

6. Justice programming in multiple countries

Canada

IDRC: Sexual abuse and access to justice for rural women in West Africa – Burkina Faso, Mali¹¹

This research project takes place within the context of several major overlapping factors in West Africa: a democratisation process that, in principle, includes equal access to public services - including justice - for all citizens; the existence of formal legal systems, national and international, conducive to the protection of women from sexual abuse; and the informal legal system. Access to justice in this region still remains a major challenge, especially for rural women, who are typically far away from legal infrastructure, which illustrates a significant gap between the de jure and de facto situations. Furthermore, existing research shows that the actions taken by women's rights organisations to prevent these crimes do not adequately help those who are the most marginalised - namely, rural women - who make up nearly 40% of the total population and more than 50% of the rural population in the region. Yet, accumulated knowledge shows that effective access to justice can be an effective way to prevent and reduce sexual abuse of women.

This project aims to generate evidence on how, within a context of coexisting formal and informal justice systems, to promote justice for rural women who are victims of sexual abuse in **Burkina Faso, Mali**, Mauritania and Senegal, while at the same time making public institutions more accountable. More specifically, this project will involve the **African Network for Integrated Development (ANID)**¹² and its partners taking a participatory research-action approach, and combining qualitative and quantitative methods to produce a knowledge base regarding sexual abuse and the constraints on access to justice in rural areas. The data gathered will be used to develop alternative and realistic models for access to justice, specifically through empowering women to help prevent and challenge the impunity of sexual abuse against rural women in these countries.

The project ran for 36 months and was expected to finish February 2020. No further information could be found on the status of this project. The RADI website is in French and so only brief searches were conducted for information on this project, but this could not be found.

Germany

Civil Peace Service: Crisis prevention and conflict transformation in areas of cross-border transhumance – Burkina Faso, Niger¹³

This project is running from 2011 to 2021.

Extensive migratory herding is a defining characteristic of West Africa. Increasingly, arable farmers and herders are vying for the same natural resources such as water and pastures,

¹¹ Information taken from <https://www.idrc.ca/en/project/sexual-abuse-and-access-justice-rural-women-west-africa?page=3> [accessed 16/03/2020]

¹² <http://www.radi-afrique.net>

¹³ Information taken from <https://www.giz.de/en/worldwide/31624.html> [accessed 17/03/2020]

although their activities are normally mutually complementary. There are often violent disputes during the annual migration movements. Competition for the shared resources is intensified by poor governance, local mismanagement, the expansion of cropland, environmental degradation, the effects of climate change and the enormous population growth in the region. There is a risk that local conflicts will become politicised and lead to violent ethnic disputes. Niger and Burkina Faso are particularly affected by political instability and violent disputes in the region.

The overall objective of this project is that in the context of cross-border transhumance, natural resources are increasingly being used in a socially equitable, peaceful and sustainable way.

The Civil Peace Service (CPS) programme in Niger, Burkina Faso and Benin supports the non-violent transformation of conflicts in the area of cross-border transhumance. For this purpose, it is strengthening the responsible institutions and existing mechanisms for crisis prevention, such as the decentralised structures of the state authority for land law (Code Rural) in Niger and the transhumance committees in Benin. The CPS also supports the active lobbying work of competent civil society organisations. This approach aims to ensure that the concerns of migratory herders are sustainably incorporated into local, regional and national development and decision-making processes. In addition, the CPS promotes legal certainty at the local level through the effective, user-oriented and conflict-sensitive application and further development of relevant regulations and regulatory mechanisms in the area of transhumance by state and civil society actors. The establishment and strengthening of cooperation and dialogue structures bring the conflicting parties together and encourage them to talk to each other, even across international borders. The goal is to find sustainable solutions to the conflicts and problems associated with national and transnational transhumance.

Results:

- State and non-governmental actors have developed instruments to promote communication and dialogue and have improved existing mechanisms. For crisis prevention and conflict transformation, items such as training modules, guides, posters, cassettes and radio programmes have been produced.
- In Niger, Code Rural and livestock breeder organisations have developed local and cross-border dialogue platforms and drawn up new legislative texts.
- In Benin and Burkina Faso, a lobbying process aimed at bringing the legal situation on pastoralism up to date has been initiated. Dialogue events have taken place at the local level with the municipalities.
- As a result, arable farmers and livestock herders are agreeing on routes and times for passage in advance of the migration movements.
- If areas of cultivation are damaged, existing regulations for the compensation of arable farmers are applied.
- According to local police, there are fewer conflicts.

Netherlands

IDLO: Integrated support to criminal justice systems in the Sahel – Mali, Burkina Faso, Niger¹⁴

This is a recent programme funded by the Netherlands government and implemented by the International Development Law Organization (IDLO); it builds on a previous pilot project in Mali (see above section).

The failure of criminal justice systems in the Sahel to deliver better quality justice can be linked to a series of interconnected factors, such as: the overwhelming lack of human, material and financial capacity; corruption and weak internal control mechanisms; and limitations on civil society to ensure respect for human rights. IDLO is implementing this programme to support the criminal justice systems in Mali, Burkina Faso and Niger. The programme aims to improve the quality of justice so that it is accessible to citizens, respectful of human rights, and more efficient, transparent and focused on the needs of the populations. Piloted in Mali starting in 2016, the programme will use Consultation Frameworks (cadres de concertation) which regularly convene meetings between local justice chain actors and with civil society representatives. This programmatic approach makes it possible to identify and respond to the specific needs of the regions, encourage local ownership, and adapt to new opportunities while drawing inspiration from lessons learned.

The programme was developed and will be implemented in close collaboration with the Ministries of Justice in the three target countries. It is aligned with the G5 Sahel Priority Investment Programme and will be carried out in coordination with other key partners, such as the UN Office on Drugs and Crime and the European Union Capacity Building Missions in the Sahel.

This programme was recently approved (date on webpage information is from January 2020), no further information could be found in the course of this review.

US

USIP: Justice and Security Dialogues – Burkina Faso, Mali, Niger¹⁵

The United States Institute for Peace (USIP) has pioneered a method to bring state officials, community leaders and citizens together to work out the roots of their problems and cooperatively rebuild security. The mix of problems that permit violence and extremism is different in each community, so USIP's approach has been flexible across the 12 nations where it has been used. This method includes Justice and Security Dialogues, which the Institute is using in **Burkina Faso, Mali and Niger**.

As a first step, USIP teams, working with local partners, gather representatives of all the relevant groups in a community for dialogues with police to collectively identify what has gone wrong. The dialogues generally last for a year or longer, and emphasise openness and transparency. They

¹⁴ Information taken from <https://www.idlo.int/what-we-do/initiatives/integrated-support-criminal-justice-systems-sahel-mali-burkina-faso-niger> [accessed 16/03/2020]

¹⁵ Information taken from <https://www.usip.org/index.php/programs/justice-and-security-dialogues> [accessed 18/03/2020]

lead the community toward practical, concrete solutions to the security problems that trouble the daily lives of community members. The dialogue process achieves not only those immediate solutions, it builds a lasting foundation for trust and future cooperation among citizens, police and other state institutions. And, because USIP mentors and supports local civic groups as partners in the process, each dialogue also *strengthens the host country's capacity to resolve its own problems* peacefully in the future. Each dialogue also generates insights into the systemic problems of countries facing violence. These insights can be used to improve local, national and international policies. Evaluations of the dialogues have found that they reduce violence. In Justice and Security Dialogues, USIP and its local partners lead communities to make changes by sponsoring outreach campaigns and policy forums, and by mentoring participants. They promote and develop relationships, mutual understanding, and knowledge-sharing among residents, government officials and police. The result is citizens who are active in the safety of their community, and a more effective and accountable local security force.

In the Sahel region¹⁶, dialogues are reducing mistrust between communities and police that at times has been exploited by religious extremists. Security and justice systems in these countries were shaped by authoritarian governments, both before and after independence. These systems thus were trained not to protect and support local communities, but rather to defend centralised governments. So an utterly basic requirement for security—dialogue and cooperation among local populations, police and governments—is missing. In **Burkina Faso**, a dialogue underway in 2017 has defused tensions between police and once-mistrustful members of a local vigilante group who have begun cooperating with police in controlling crime.

Burkina Faso¹⁷ has seen the Sahel's most severe current spike in violence, **according to ACLED** (the Armed Conflict Location & Event Data Project). But the dialogue project in the rural municipality of Saaba, just east of the capital, Ouagadougou, is offering a model to help stabilise violence-ridden localities. Saaba, a collection of 26 villages around a district centre, faced high levels of robbery, burglary and other crimes—and suffered a wave of 14 unsolved murders of local women, according to USIP's country representative. Burdened by economic disparities and social pressures from the rapid increase in Ouagadougou's size, Saaba "had no framework for discussing community problems. The civic movement Balai Citoyen (Citizen's Broom), and current and former police and government officials, worked with USIP to make Saaba a test case for an unprecedented dialogue between a Burkinabe community and its government and police officials. Community members and officials soon decided to create a coordinating body to represent all major groups in improving security. That step improved cooperation among three separate security forces: the civilian police, the National Gendarmerie (a branch of the military) and the Koglweogo, village-based self-defence groups independent of government. Saaba's new coordinating council established security watch groups in each village, including a Koglweogo representative in each. Police and gendarmes began joint security patrols. Crime levels dropped and the wave of killings of women was halted. National officials told the Saaba community that the government wants to monitor the dialogue project to find ways to revise national security policies, including a nationwide expansion of Saaba-style community coordination. A vital

¹⁶ See <https://www.usip.org/index.php/publications/2017/10/justice-and-security-dialogues-sahel-and-maghreb> [accessed 19/03/2020]

¹⁷ Information taken from <https://www.usip.org/publications/2019/05/amid-rising-sahel-violence-burkina-faso-builds-response> [accessed 19/03/2020]

element of the dialogue is its successful inclusion of the Koglweogo, who in disparate parts of Burkina Faso have clashed with the state security forces. No further information could be found.

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